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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA, ) No. CR-06-00329-JSW  
11 Plaintiff, )  
12 Vs. ) STIPULATION AND [PROPOSED] ORDER  
13 ) TO CONTINUE SENTENCING HEARING  
14 JUSTIN JOSE GARCIA, et al. ) TO FEBRUARY 22, 2007  
15 Defendants. )  
16 )  
17 ) Honorable Jeffrey S. White  
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17 Defendant, Justin Jose Garcia, by and through his attorney, Steven F. Gruel, respectfully  
18 requests that the sentencing hearing scheduled for December 7, 2006 at 2:30 p.m. be rescheduled  
19 to February 22, 2007, at 2:30 p.m.

20 This defense request is because of a breakdown in the attorney – client communication  
21 regarding the scheduling of Mr. Garcia's interview with the United States Probation Office.

22 Specifically, after numerous telephone messages and letters requesting that Mr. Garcia  
23 contact his counsel for this interview, undersigned defense counsel did not hear from him until  
24 after a letter was sent to Mr. Garcia explaining that defense counsel would be forced to withdraw

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26 *STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE SENTENCING HEARING  
TO FEBRUARY 22, 2007*

1 from the case if communication were not restored. Communication has been restored and the  
2 interview is scheduled for December 4, 2006 at U.S. Probation Office in San Francisco.

3 It should be noted that at no time was Mr. Garcia in violation of his conditions of pretrial  
4 release or his reporting requirements. It appears that Mr. Garcia did not fully understand the  
5 need for the interview and falsely assumed that on December 7, 2006, he would go straight to  
6 sentencing without any interview.

7 Finally, it is respectfully requested that this stipulation be granted in lieu of a Court  
8 appearance on December 7, 2006, because Mr. Garcia resides in Rio Dell, California, which is  
9 several hundred miles from the federal Courthouse, he lives with his mother and they have only  
10 one car for the family.

11 The United States Probation officer and the Assistant United States Attorney have been  
12 contacted regarding this defense request for a continuance and do not oppose it.

13 SO STIPULATED:

14 DATED: 12/1/06

15 \_\_\_\_\_/s/  
16 STEVEN F. GRUEL,  
17 Attorney for Justin Jose Garcia

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20 DATED: 11/28/06 \_\_\_\_\_/s/  
21 TRACIE L. BROWN  
Assistant United States Attorney

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26 *STIPULATION AND [PROPOSED] ORDER*  
*TO CONTINUE SENTENCING HEARING*  
*TO FEBRUARY 22, 2007*

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3 [PROPOSED] ORDER CONTINUING MATTER  
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5 PREDICATED on the above stipulation and GOOD CAUSE APPEARING,  
6 the Court continues this matter to February 22, 2007 at 2:30 p.m. for sentencing.  
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8 IT IS SO ORDERED.  
9 December 4, 2006

  
JEFFREY S. WHITE  
U.S. District Court Judge

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26 STIPULATION AND [PROPOSED] ORDER  
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